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Forty-seventh session

REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM
IN THE AGENDA OF THE FORTY-SEVENTH SESSION

MASS VIOLATIONS OF HUMAN RIGHTS AND FREEDOMS IN
LATVIA AND ESTONIA

Letter dated 6 November 1992 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit a letter addressed to you by the President of the Russian Federation, Mr. B. N. Yeltsin, containing a request for the inclusion in the agenda of the forty-seventh session of the General Assembly of an additional item entitled "Mass violations of human rights and freedoms in Latvia and Estonia" as an important and urgent question.

I would ask you to consider the aforementioned letter from the President of the Russian Federation, Mr. B. N. Yeltsin, as the explanatory memorandum required under rule 20 of the rules of procedure of the General Assembly.

(Signed) Y. VORONTSOV

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ANNEX

Explanatory memorandum

Letter dated 5 November 1992 from the President of the Russian Federation addressed to the Secretary-General

I should like to inform you about the relations between the Russian Federation and the Republic of Latvia, the Republic of Lithuania and the Republic of Estonia, as well as of our concern over the state of those relations.

As you know, the Russian Federation played a determinant role in the achievement of independence by the Baltic States. We are resolved to continue to develop relations of genuine good-neighbourliness, cooperation on the basis of equality and mutual trust with those States.

The Russian leadership, respecting the principles of international law and the expressed will of Lithuania, Latvia and Estonia, clearly and unequivocally reiterates its intention to withdraw its troops from the territories of those States.

From the very outset of the negotiations on this question, we repeatedly stated our position of principle that the troops could be withdrawn within a short period of time provided that agreement was reached on a number of issues intrinsically linked to this question, in the first place the issues of ensuring the normal functioning of the troops during the withdrawal period, and guaranteeing the social and legal protection and individual rights of military personnel and military pensioners and members of their families.

Unfortunately, we must state that as of now these vital issues have not been resolved. This seriously complicates the situation of the Russian military personnel and their families, and generates an extremely negative attitude among the Russian public. In the circumstances we were compelled to suspend temporarily the withdrawal of troops from the territory of the Baltic States. The withdrawal will be resumed and completed within a short and realistically feasible time-frame after the signing of the State agreements between the Russian Federation and the Republic of Latvia, the Republic of Lithuania and the Republic of Estonia on the whole range of issues relating to the withdrawal of the troops. There must be no doubt as to our resolve to sign such agreements as soon as possible.

At the same time, the further development of relations between Russia and the Baltic States will depend largely on the situation of the Russian-speaking population in those States. Such an approach, I believe, is justified and understandable.

Today, the discriminatory policies and practices of the authorities of Latvia and Estonia with respect to this population group, which are in certain instances even embodied in the legal systems of those countries, run contrary to the fundamental principles of the United Nations and violate the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Employment Policy Convention, the Convention concerning Discrimination in Respect of Employment and Occupation and the Declaration on Social Progress and Development. This situation, we believe, should be a matter for consideration by the United Nations. The existence in Europe of conditions which permit flagrant discrimination against a considerable part of the population of States and the emergence of new hotbeds of tension and conflict situations is inadmissible.

I would ask you, Sir, to take all measures within the United Nations, the Security Council and the General Assembly to induce the Baltic States to discharge fully and in good faith the commitments they have undertaken under bilateral and international agreements in the area of human rights and freedoms.

I propose that the question of mass violations of human rights and freedoms in those States should be included in the agenda of the forty-seventh session of the United Nations General Assembly as an important and urgent matter.

(Signed) Boris YELTSIN

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Forty-seventh session

REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM IN THE AGENDA OF THE FORTY-SEVENTH SESSION

INTERNATIONAL ASSISTANCE FOR THE REHABILITATION AND RECONSTRUCTION OF NICARAGUA: AFTERMATH OF THE WAR AND NATURAL DISASTERS

Letter dated 12 November 1992 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General

In accordance with rule 15 of the rules of procedure of the General Assembly, I have the honour to request that an additional item entitled "International assistance for the rehabilitation and reconstruction of Nicaragua: aftermath of the war and natural disasters" be included in the agenda of the forty-seventh session of the General Assembly for consideration as a matter of urgency in plenary meeting.

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum is attached to this request (see annex).

(Signed) Roberto MAYORGA-CORTES
Ambassador
Permanent Representative

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ANNEX I

Explanatory memorandum

Background of the request

1. In her speech before the General Assembly on 21 September 1992, Mrs. Violeta Barrios de Chamorro, President of Nicaragua, stressed the urgent need for special and total cooperation from the United Nations in the economic and social reconstruction of Nicaragua. Accordingly, she asked for "the support of the international community ... because the situation had become worse this year as a result of terrible natural disasters". That formal request for assistance by President Chamorro is the reason for this memorandum.

Need for united collective action by the United Nations

2. It should be borne in mind that after emerging from a far-ranging war, Nicaragua finds itself without a systematic collective United Nations presence to support it during the transition to a new political reality characterized by democracy and reconciliation and gradual progress towards a market economy. Consequently, Nicaragua is especially eager that United Nations programmes and projects should demonstrate a more efficient and effective United Nations presence in the country and that the Organization should take measures that will maximize the cooperation provided by other bilateral and multilateral sources.

3. In the circumstances, it is with a deep sense of urgency that we look forward to the united and collective presence of the United Nations system in Nicaragua in conformity with the approaches and measures adopted by the Secretary-General in other countries going through the transition process. The transition from a situation which for almost a decade constituted a threat to international peace and security and was the focus of world attention to a situation of reconciliation and restoration of internal harmony compatible with democracy and development will inevitably be fragile and uncertain without a firm, united collective United Nations presence. An ongoing international effort will be needed to ensure that the process of change initiated in Nicaragua is irreversible.

Implications of armed conflicts and natural disasters

4. Between 1977 and 1990, Nicaragua experienced a political-military upheaval of great magnitude that had an adverse effect on living standards, the system of production and the evolution of the principal socio-economic variables. The deteriorating conditions in the country were further aggravated by a virtually uninterrupted series of natural disasters.

5. By the latter part of 1992, those factors had combined to bring about an economic recession never experienced before. For instance, World Bank official estimates indicate that the GDP was US$ 340 a/ in 1991, equivalent to the level of the fifties and 50 per cent lower than the 1978 estimate.

6. Add to that the enormous loss of life, the substantial damage to the infrastructure and the human, economic and social implications of massive population displacement and relocation that shattered the social and economic stability of the country, increased unemployment and delayed the return to normalcy of productive activities.

7. All that had a negative impact on people and institutions, human resources training, the financial and trade systems, tourism, the ability to attract investment, regional and territorial development and the urban environment of the main cities. The situation is particularly serious in rural areas where uncertainty and instability continue to prevail mainly owing to disputes about land tenure and ownership.

8. In the past decade, the value of export commodities declined by 40 per cent and the real wages of workers dropped by over 85 per cent. Overt unemployment rose to 40 per cent of the economically active population, inflation spiralled to dizzying heights and consumption experienced a spectacular decline.

9. Today Nicaragua is one of the poorest countries in Latin America. UNDP studies indicate that in 1985, 70 per cent of the population or 2.6 million people (54.8 per cent in urban areas and 85.9 per cent in rural areas) were living in poverty. Some 40 per cent of that total is made up of people living below the poverty level. Between 1980 and 1990 the total population increased by 42 per cent and reached 3.9 million.

10. The Government's efforts to effect economic and social improvements have been seriously impeded by the economic and social uncertainty associated with the consequences of the war and the adverse effects of the natural disasters that have devastated the country in the past three years. That uncertainty has had a negative impact on achievement of the main objectives of the short- and medium-term national development strategy.

Recent natural disasters

11. The natural disasters that have most recently jeopardized the Government's efforts to stabilize the economy, promote economic adjustment with a human face, and create favourable conditions for reactivating production and initiating a growth phase include the following:

(a) The floods of July 1991, which devastated the Atlantic region of Nicaragua. Those floods were the result of unprecedented levels of rainfall, which caused the rivers to rise, produced severe landslides and destroyed crops, affecting the daily lives of thousands of people.

(b) In April 1992, Cerro Negro volcano erupted, affecting the departments of León and Chinandega, on the Pacific coast, where over 500,000 people live; of these, 150,000 were within the radius of action of the volcano, which is located in one of the most productive regions of the country. Immediate material damage has been estimated at US$ 4 million, but the longer-term damage was even greater.

(c) On 1 September 1992, a huge tidal wave (tsunami) registering 7.0 on the Richter scale destroyed the south-east Pacific coast of Nicaragua. The tidal wave caused damage all along the coastline, including the major ports of the country, and affected several coastal towns with a total population of approximately 70,000. Approximately 150 people were killed, 500 disappeared, and immediate material losses were valued at about $25 million.

Consultation, concerted action and reconciliation

12. The Government of Nicaragua has undertaken to build a national consensus with a view to achieving lasting peace and a peaceful transition to democracy. These efforts have been carried out mainly through a process of negotiations known as concertación (consultation and concerted action), which has made it possible to take important decisions on social and economic matters aimed at the reconstruction and economic recovery of the country. Along with the objectives of reconciliation, democracy and development, the process of consultation and concerted action is a fundamental part of the strategy for maintaining political stability and promoting economic and social democracy in Nicaragua.

Importance of international cooperation

13. The war and the natural disasters have left suffering and material damage in their wake that can only be overcome by vigorous and effective international cooperation, which will supplement the efforts carried out by the country itself over the last two years. Given the magnitude of the task, the only way to address adequately the problems of rehabilitation and reconstruction is through medium- and long-term measures, in the framework of a programme of action. This is essential to the pacification and democratization of the country, and to the success of the processes of reconciliation and rehabilitation that have been set in motion.

Notes

a/ World Bank, World Tables - 1992 Update, September 1992.

ANNEX II

Summary of damage caused by armed conflict and natural disasters

1. During the 15 years prior to 1990, Nicaragua experienced two intense armed conflicts; because of the magnitude of these conflicts, their consequences are still evident in the economic and social situation of the country. During the first conflict, which reached its peak during the latter part of the 1970s and culminated with the well-known events of July 1979, some 35,000 people lost their lives; at that time, that number was equivalent to 1.5 per cent of the population. The wounded were estimated at between 80,000 and 110,000; close to 150,000 people left their homes and became refugees; the number of orphans was estimated at around 40,000, and total material losses were estimated at US$ 481 million, distributed as follows: commerce, $220 million; industry, $150 million; physical and social infrastructure, $78 million; agriculture, $28 million, and other sectors, $5 million. a/

2. During the second conflict, between 1983 and 1990, more than 54,000 Nicaraguans lost their lives or were wounded in the war; over 354,000 were displaced from their homes; 16,000 were disabled. The total number of direct victims of the war is estimated at 97,000. The external debt currently stands at around US$ 10 million, or approximately $2,560 per capita. This amount, which represents more than six times the GDP, makes Nicaragua the most highly indebted country in the world in relative terms. The service of the debt amounts to several times the value of exports.

3. It is worthwhile pointing out that exactly 20 years ago, in December 1972, a devastating earthquake destroyed the city of Managua, causing between 25,000 and 40,000 deaths. Material damages were estimated at US$ 772 million; of that amount, approximately $620 million represented fixed capital and stocks, and $152 million, other losses. Also, in October 1988, hurricane Joan struck the Atlantic coast, causing around 200 deaths and material losses totalling US$ 840 million, $745 million of which represented direct damage to the economy of the country. In the early 1990s, the consequences of those two natural disasters are still evident in the economic and social situation of the country.

4. The reconstruction of Nicaragua is an unfinished task which deserves the resolute cooperation of the international community, to be provided in a timely and appropriate fashion. In this effort, of course, the main responsibility lies with the Nicaraguan people themselves.

Notes

a/ See: Nicaragua: Economic repercussions of recent political events, ECLAC, August 1979 (E-CEPAL-G.1091).

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REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM IN THE AGENDA OF THE FORTY-SEVENTH SESSION

REQUEST FOR AN ADVISORY OPINION FROM THE INTERNATIONAL COURT OF JUSTICE

Letter dated 13 November 1992 from the representatives of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal, Spain, Uruguay and Venezuela to the United Nations addressed to the Secretary-General

In accordance with the provisions of rule 15 of the Rules of Procedure of the General Assembly, the representatives of the countries signing this letter wish to have an additional item, entitled "request for an advisory opinion from the International Court of Justice", included in the agenda of the forty-seventh session of the General Assembly.

Once the new item has been placed on the agenda, the undersigned propose that it be referred for consideration to the Sixth Committee (Legal Questions) of the General Assembly.

In accordance with rule 20 of the Rules of Procedure of the General Assembly, an explanatory memorandum is attached to this request (see annex).

We should be grateful if you would have this letter and its annex circulated as a document of the General Assembly.

(Signed) Jorge VAZQUEZ
Permanent Representative of the
Argentine Republic to the United
Nations

(Signed) Oscar SERRATE CUELLAR
Permanent Representative of Bolivia
to the United Nations

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(Signed) Ronaldo Mota SARDENBERG
Permanent Representative of Brazil
to the United Nations

(Signed) Juanita CASTAÑO
Chargé d'affaires a.i. of Colombia
to the United Nations

(Signed) Alcibiades HIDALGO BASULTO
Permanent Representative of Cuba to
the United Nations

(Signed) José AYALA LASSO
Permanent Representative of Ecuador
to the United Nations

(Signed) Julio Armando MARTINI HERRERA
Permanent Representative of
Guatemala to the United Nations

(Signed) Jorgé MONTAÑO
Permanent Representative of Mexico
to the United Nations

(Signed) Carlos AROSEMENA A.
Permanent Representative of Panama
to the United Nations

(Signed) Ricardo V. LUNA
Permanent Representative of Peru to
the United Nations

(Signed) Juan A. YAÑEZ-BARNUEVO
Permanent Representative of Spain
to the United Nations

(Signed) José Manuel OVALLE
Chargé d'affaires a.i. of Chile to
the United Nations

(Signed) Cristian TATTENBACH
Permanent Representative of Costa
Rica to the United Nations

(Signed) Héctor V. ALCANTARA
Permanent Representative of the
Dominican Republic to the United
Nations

(Signed) Ricardo G. CASTANEDA-CORNEJO
Permanent Representative of
El Salvador to the United Nations

(Signed) Juan José CUEVA MEMBREÑO
Permanent Representative of
Honduras to the United Nations

(Signed) Roberto MAYORGA-CORTES
Permanent Representative of
Nicaragua to the United Nations

(Signed) Hugo SAGUIER CABALLERO
Permanent Representative of
Paraguay to the United Nations

(Signed) Pedro CATARINO
Permanent Representative of
Portugal to the United Nations

(Signed) Ramiro PIRIZ-BALLON
Permanent Representative of Uruguay
to the United Nations

(Signed) Carlos A. BIVERO
Chargé d'affaires a.i. of Venezuela
to the United Nations

ANNEX

Explanatory memorandum

At a time when the international community is undergoing profound change, it is especially important that States should comply fully with international law and, in particular, the Charter of the United Nations. It was this consideration that prompted the General Assembly to declare the period 1990-1999 as the United Nations Decade of International Law.

In the current context, it is particularly appropriate to step up efforts to promote judicial cooperation among States, on the basis of the principles of sovereign equality, territorial integrity, fulfilment in good faith of international obligations and primacy of the rule of law.

It is especially important to avoid recourse to unilateral measures, which would jeopardize States' willingness to cooperate in good faith to combat forms of crime that might have effects beyond national borders.

Cases of recourse to unilateral measures have been observed recently, as has a tendency to apply domestic legislation extraterritorially, involving the exercise of coercive power by one State in the territory of another, contrary to international law.

For these reasons, it is considered to be of the utmost importance to determine and specify the rules of international law which apply in this sphere, in order to prevent the entrenchment of practices which prejudice international judicial cooperation and mutual confidence among States.

To that effect, the Ibero-American Summit of Heads of State and Government, held in Madrid on 23 and 24 July 1992, after reaffirming its commitment to respect and promote international law proclaimed at its first meeting, included in its conclusions (see A/47/356-S/24367 of 3 August 1992) the decision to ask the United Nations General Assembly at its forty-seventh session to request an advisory opinion on the subject from the International Court of Justice.

In the light of the foregoing, it is deemed desirable for the International Court of Justice to give an advisory opinion on the question of the conformity with international law of certain acts involving the extraterritorial exercise of the coercive power of a State and the subsequent exercise of its criminal jurisdiction.

For all these reasons, the inclusion of an additional item in the agenda of the forty-seventh session of the General Assembly is considered a matter of urgency.